

B F2020.23

An Amendment to the First and Second Chapter of the Election Code seeking to Establish a Definition for Digital Property and Guide the Usage Thereof

A bill for the consideration of the College of Literature, Science, and the Arts Student Government

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Sponsored by: Jacob Cohen, Zackariah Farah, Tyler Watt, Gaby Torres, Josiah Walker

Whereas, the mission of the College of Literature, Science, and the Arts Student Government (hereafter LSA SG) is to “actively seek the voices of LSA students and advocate their interests to improve academic and non-academic life”;¹ and,

Whereas, it is a widely recognized belief that there are many elements of the Election Code that need to be amended; and,

Whereas, several members of the government have voiced specific concerns regarding actions that are currently violations of the Election Code; and,

Whereas, one of the goals of Election Code Review and Amendment Formation Task Force (commonly known as ECRAFTF) is to address the concerns of government members regarding the Election Code; and,

Whereas, upon review in ECRAFTF, certain violations were found to be an outdated, illogical, or unnecessary hindrances to voter turnout; and,

Whereas, it is illogical that different forms of digital property are treated differently in the Election Code; and,

Whereas, the use of LSA SG property, including digital property, would create an uneven playing field in elections, as it would inherently advantage incumbents, and would distract the government from its service to its constituents, and therefore should not be allowed; and,

Whereas, it is the responsibility of ECRAFTF to amend such unsavory elements out of the Election Code.

Be it therefore and finally resolved, that the Election Code shall be amended as illustrated in Appendix A.

¹ The Constitution of the College of Literature, Science, and the Arts Student Government. Article II

University of Michigan
College of Literature, Science, and the Arts Student
Government

Election Code

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1.00.02 **Definitions.** For the purpose of this election code:

(a) Candidate: Any person seeking office in an election, and a President-Vice President pair seeking those offices in an election.

(b) Campaign: Urging, endorsing, or advertising for or against any candidate, party, or position on a referendum.

(c) Official Polling Site: An official polling site shall be any computer or electronic device that a student of the College uses in order to vote. A computer or electronic device is only an official polling site during the election period.

(d) Demerit: A demerit is the penalty for a violation of the Election Code by a candidate. Any individual receiving four or more demerits will be disqualified from running in the election. Any individual found guilty of nine or more demerits (for listing of violations please refer to Section 2.08.00-03) of the Election Code may be ineligible to run for a position in LSA SG for the remainder of their undergraduate career, to be decided at the discretion of the Elections Director.

(e) Election Code: The Election Code, as stated in 1.00.00, shall refer to the entirety of Chapter 1 of the LSA SG Bylaws.

(f) Sponsor: Any individual, group, or organization which takes a public position on a referendum issue or petition or spends money and/or goods on behalf of a position on a referendum issue.

(g) Party: A group of candidates for President, Vice President, or representative identified by a common party name.

(h) Election Director: The individual commissioned by LSA SG to manage the elections must be an unbiased person. The Election Director will be disqualified from receiving a seat in that election.

(i) Official LSA SG Meeting/Meeting Space: Shall denote any physical spaces in which LSA SG holds its meetings.

(j) Candidates Meeting: Refer to Section 2.03.03 within the LSA SG Bylaws.

(k) Candidates Forum: Refer to Section 2.03.05 within the LSA SG Bylaws.

(l) Election Period: The period of time after the hiring of the Election Director but prior to the final announcement of election results.

(m) Endorsements: For a candidate to claim to be endorsed by an individual or student organization, they must receive explicit public support from the individual or student organization they are claiming to be endorsed by, and submit to the Election Director evidence of this explicit public support. Refer to Section

2.06.01 for more details.

(n) General All-College Elections: The regularly scheduled November and March Elections which shall be held on the same days and in conjunction with the fall and winter term elections of the Central Student Government, unless LSA SG chooses different dates by a two-thirds vote.

(o) Special Elections: Any election other than the General All-College Elections. Refer to Section 1.00.07 for more details.

(p) Listserv: A listserv is a group of email addresses, which is used to disseminate information to members of that group.

(q) Digital Property: Websites, blogs, social media accounts, and digital communications platforms that are owned by an organization or person

(r) LSA SG Digital Property: Digital property owned by LSA SG or owned by individual(s) within LSA SG for the purpose of executing LSA SG business

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Chapter 2 Election Rules and Provisions

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Campaign Period Rules

2.06.00 Implication of Incumbency. Only candidates previously elected to LSA SG may use the words "re-elect" or any other words implying incumbency; however, previously appointed representatives may use the words "retain" or "re-seat."

2.06.01 Use of name in advertising. Any individual in the election who uses the name of any student organization in advertising must secure and retain permission from the appropriate governing board and membership of the organization. Written permission signed by an appropriate official of the organization must be filed with the LSA SG Election Director. Under no circumstances may any individual running for a seat in the LSA SG election use the name of any CSG political party in advertising.

2.06.02 Openness in campaigning. All campaign materials must indicate the official source of the piece of campaign material.

2.06.03 Campaigning in Computing Sites. No person may campaign and no campaign literature may be posted in any computing site.

2.06.04 Destruction of campaign materials. No person under the jurisdiction of this election code shall, during the election campaign, engage in the destruction, defacement, removal, alteration, or transportation of posted campaign materials without the permission of the candidate they pertain to.

2.06.05 Posting. Campaign materials may be affixed or anchored to various surfaces in the following manner:

- a) Rope, twine, or string may be used on any surface.
- b) Thumbtacks and staples may be used on bulletin boards but not on any other wooden surfaces.
- c) Masking tape or blue painter's tape may be used on any surface.
- d) Vinyl plastic bumper sticker material may be used on non-wooden surfaces.
- e) No other adhesive or anchoring material may be used under any other circumstances.
- f) Candidates must adhere to University policies as to the posting of posters and handbills.

2.06.06 Prohibited Areas.

a) No campaign materials shall be affixed to any glass or painted surface in or on any University building, except in designated posting areas.

b) There is no campaigning in the LSA SG Office or during LSA SG General Meetings.

2.06.07 Defacement. No campaign material shall be affixed to any surface that would be permanently and seriously damaged by the campaign material or the material used to affix or attach the campaign material.

2.06.08 Rights of Access. Candidates for LSA SG Representative, LSA SG President, LSA SG Vice President, any other LSA sponsored election or seekers for any LSA referendum petition, shall have the same rights as any candidate for elected office as per University Housing's guidelines. Any candidate campaigning within any housing unit after 12 AM will be guilty of a minor violation. University Housing must grant or deny the same rights of access to all candidates running in the election.

2.06.09 Digital Property

a) **Proper Use of Email Privileges.** A candidate can send emails to email groups that are owned by the candidate as defined by "mcommunity.umich.edu." and are created expressly for campaign purposes, during the current election cycle. The email group name must clearly indicate that it is a campaign related email group. Candidates can also send emails to non-LSA SG listservs owned by a student organization with the explicit permission of the executive board of that student organization. Only self-owned and student organization listservs may be used to campaign.

b) **Proper Use of Digital Property.** *A candidate may use digital property owned by the candidate or a third party as long as they follow the rules and guidelines for campaigning on that platform. It is the express responsibility of the candidate to properly understand the rules and guidelines of the platform they choose to campaign on. LSA SG digital property (including but not limited to listservs and group chats) may not be used to campaign.*

2.06.10 Campaign Finance Regulations.

a) Candidates for Representative shall be allowed to spend up to \$50 on their campaign. The Presidential and Vice Presidential Slate shall be allowed to spend up to \$250 for their campaign.

b) Prohibited Donors. Any non-candidate is forbidden from donating to campaigns.

c) Report of Expenditures. The Election Director will be responsible for ensuring that candidates report their spending. The Election Director shall have discretion over the mechanism in which they require candidate expenditure reports.

Voting Period Rules

2.07.00 Termination of Campaign period. At the end of the voting period, all campaigning shall be terminated. This subsection applies to and includes but is not limited to verbal communication, social networking, texting, email messages, and canvassing in which a candidate promotes, or asks others to promote, their candidacy.

2.07.01 Government promotion. Candidates may disseminate an approved LSA SG election message sent directly from the Election Director on social media. Media messages created by candidates may encourage voting in the election in general and/or voting for a specific candidate.

2.07.02 Speaking. Every candidate may advertise their candidacy (including their positions, qualifications, endorsements, and platform points) during the voting period.

Violations and Penalties

2.08.00 Violations of Election Code. Violations to the Election Code are divided into three categories with varying levels of severity. If a violation is not specifically listed in Section 2.08.01-03, it is up to the

discretion of the Election Director to determine the categorization of the violation.

2.08.01 Minor Violations. Candidates will receive one demerit for each Minor Violation. Minor violations shall constitute the following:

- (a) An unexcused absence from a required event, such as the Candidates Meeting, a General Meeting prior to the election, and/or the Candidates Forum
- (b) Posting in a prohibited area, or by a prohibited fashion, as defined in Section 2.06.04-07
- (c) Implying an elected incumbency status that a candidate does not have, as defined in Section 2.06.00
- (d) Campaigning in any residence hall after 12 AM as stated in Section 2.06.08
- (e) Not denoting the official source of campaign material(s) as stated in Section 2.06.02
- (f) Violation of Section 2.06.09 with email listservs containing 1-100 members

2.08.02 Major violations. Candidates will receive three demerits for each Major Violation. Major violations shall constitute the following:

- (a) Destruction of another candidate's campaign materials, as defined in Section 2.06.03
- (b) Campaign Finance Violation as defined in Section 2.06.10
- (c) Deception in advertising, which shall be defined as breaking any of the guidelines for advertising set forth in Section 2.06.00-01
- (d) Misrepresentation of Endorsement. Using the name of a student organization that a candidate does not have permission to use Section 2.06.01
- (e) Violation of Section 2.06.09 with email listservs containing 101-399 members.
- (f) Parties: If the Election Director feels that a candidate has explicitly or subtly joined a party, they may reach out to them and ask them to cease and desist all references to this party within 24 hours. If the candidate cannot remove all notices to a party within 24 hours due to extenuating circumstances, they must inform the Election Director. Should the candidate not cease and desist within the designated time, a major violation should be applied.

2.08.03 Egregious Violations. Candidates will receive four demerits for each Egregious Violation. Egregious violations shall constitute the following:

- (a) Preventing an eligible voter from voting in any manner
- (b) Bribery. No candidate may promise or offer compensation, monetary or otherwise, in exchange for vote(s). Campaign pledges shall not constitute violations of this rule. The distribution of campaign material to voters shall not constitute a violation of this rule
- (c) Violation of Section 2.06.09 with email listservs containing more than 400 members